

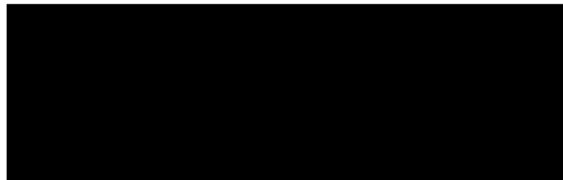


OFFICE OF THE DISTRICT ATTORNEY  
RICHMOND COUNTY

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DISTRICT ATTORNEY

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March 29, 2021



With reference to the above-mentioned case, and pursuant to our continuing obligations, the People make the following disclosure regarding Police Officer Brian Lamb, Shield #19814 of Highway 5:

On December 23, 2016, at approximately 2:51 AM, Police Officer Brian Lamb effectuated the arrest of [REDACTED] in front of [REDACTED] Staten Island, New York for Driving While Intoxicated, in violation of V.T.L. 1192(2), Driving While Intoxicated, in violation of V.T.L. 1192(3), and Driving While Ability Impaired, in violation of V.T.L. 1192(1).

In conjunction with the arrest of [REDACTED] the following documents were prepared by Police Officer Lamb:

- *Driving While Intoxicated/Impaired by Alcohol Supporting Deposition*
- *DWI/DWAI Data Sheet*
- *Intoxicated Driver Examination Form and Instruction Sheet (PD 244-154)*
- *Highway District – IDTU Technician Test Report (PD 321-149)*
- *Arresting Officer's Report – IDTU (PD 213-151)*
- *NYPD Memo Book*

Within the above-described documents, Police Officer Lamb recorded the following:

- In the *Driving While Intoxicated/Impaired by Alcohol Supporting Deposition*, he indicated that the defendant was intoxicated from the consumption of alcohol. Police Officer Lamb marked corresponding boxes to indicate that he observed the defendant to have an odor of alcohol on her breath, slurred

speech, bloodshot and watery eyes, and the defendant was swaying on her feet.

- Within the *DWI/DWAI Data Sheet*, Police Officer Lamb indicated that the reason for the stop was for failure to signal, and failure to maintain lane. Police Officer Lamb also marked corresponding boxes to indicate that he observed the defendant to have an odor of alcohol on her breath, slurred speech, bloodshot and watery eyes, and to be swaying on her feet.
  - In the *Intoxicated Driver Examination Form* (PD 244-154), Police Officer Lamb wrote that what first led him to suspect [REDACTED] of alcohol influence was the “strong odor of an alcoholic beverage” on [REDACTED] breath, in addition to the defendant’s watery and bloodshot eyes, slurred speech, and unsteadiness on her feet.
  - Within the *Highway District – IDTU Technician Test Report* (PD 321-149), Police Officer Lamb marked corresponding boxes to indicate that during the coordination test, administered to [REDACTED] in the IDTU room located inside of the 120 Precinct, [REDACTED]’s speech was slurred, her balance was swaying, and she appeared to be unsteady on her feet during the walking and turning test, as well as the one leg stand test. Further, it was indicated that [REDACTED] was inaccurate during the Finger to Nose Test. Additionally, Police Officer Lamb wrote that while in the IDTU room, he observed that [REDACTED] “had a strong odor of an alcoholic beverage on her breath, watery and bloodshot eyes, slurred speech, and was unsteady on her feet.” He further recorded that during the “walk and turn” coordination test, [REDACTED] was “unable to walk heel to toe”, indicating that she improperly “came out of the starting position, and did not turn properly.”
  - In Officer Lamb’s City of New York Police Department *Memo Book*, he wrote that on December 23, 2016, at 02:31, in front of [REDACTED] a 2003 BMW bearing NYS license plate number [REDACTED] was pulled over for failing to signal while “leaving a parking space, and failing to maintain lane almost hitting the curb and a parked vehicle.” He further indicated that he observed the driver of the vehicle, [REDACTED] to have a “strong odor of an alcoholic beverage on her breath, slurred speech, watery bloodshot eyes, and when she exited the vehicle, she was unsteady on her feet” in that she grabbed onto the vehicle.
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On November 30, 2017, Assistant District Attorney Uche Enwereuzor represented the People at a suppression hearing before the Hon. Raymond Rodriguez. The defendant was represented at the hearing by John Poppe.

During the suppression hearing, Police Officer Lamb provided sworn testimony stating that:

- he observed [REDACTED] driving a black BMW truck, “*pull away from [a] parking spot without using mechanical signals or hand signals, almost colliding with another vehicle.*” Thereafter, Police Officer Lamb followed the vehicle and “*observed [the vehicle] failing to maintain lanes, swerving drove down the street.*” (See November 30, 2017, Hearing Minutes page 5, lines 14-18)
- he followed [REDACTED] for “*two, three minutes*”, while observing her swerve and fail to maintain a lane. (See November 30, 2017, Hearing Minutes page 5, line 21)
- when [REDACTED] exited the vehicle at his bequest, he observed Ms. Garnett to be unsteady on her feet. (See November 30, 2017, Hearing Minutes, page 8, line 23)
- he observed [REDACTED] for “*approximately fifteen minutes, give or take*” prior to administering the Portable Breath Test while looking for signs of impairment. (See November 30, 2017, Hearing Minutes, page 9, line 13)

Upon review of the video recovered from the Radio Motor Patrol vehicle driven by Police Officer Lamb on December 23, 2016, the following was noted:

- Contrary to Officer Lamb’s assertions in his paperwork, and his testimony during the suppression hearing, the right rear mechanical turn signal of [REDACTED]’s vehicle appears to be blinking prior to her vehicle pulling away from the parking spot that she occupied at the corner of [REDACTED] [REDACTED]
  - Contrary to Officer Lamb’s assertions in his paperwork, and his testimony during the suppression hearing, there does not appear to be any parked cars in the immediate vicinity of [REDACTED]’s vehicle when she pulled out of her parking spot.
  - Contrary to Officer Lamb’s testimony during the suppression hearing indicating that he followed [REDACTED] for “*two, three minutes*” prior to initiating the car stop, the timestamp on the dash cam video recorded footage
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shows that Officer Lamb began pursuing [REDACTED] at 02:32:41 hours, and activated his turret lights thus initiating the car stop of [REDACTED]'s vehicle at 02:32:59 hours.

- Contrary to Officer Lamb's assertions during his testimony at the suppression hearing, that he observed [REDACTED] for "*approximately fifteen minutes, give or take*" prior to administering the Portable Breath Test, the dash cam video recorded footage appears to show Officer Lamb asking [REDACTED] to submit to the Portable Breath Test at 02:34:02 hours. It also shows [REDACTED]'s first attempt to take the Portable Breath Test was at 02:36:00 hours.
- Contrary to Officer Lamb's assertions in his paperwork, namely the *Driving While Intoxicated/Impaired by Alcohol Supporting Deposition* and the *DWI/DWAI Data Sheet*, which stated that the defendant was swaying on her feet, the dash cam video recorded footage appears to show that [REDACTED] was not swaying upon exiting the vehicle.
- Contrary to Officer Lamb's assertions in his paperwork, namely the *Intoxicated Driver Examination Form* and the City of New York Police Department *Memo Book*, which stated that the defendant was unsteady on her feet, the dash cam video recorded footage appears to show [REDACTED] briefly touch her vehicle upon exiting her vehicle but it is not readily apparent that she was unsteady on her feet upon exiting her vehicle.

On November 30, 2017, while preparing for the suppression hearing, ADA Enwereuzor asked Police Officer Lamb when and where he observed [REDACTED] fail to signal and fail to maintain a driving lane, as it was not immediately apparent when said traffic violations occurred on the dash cam video. Contrary to Police Officer Lamb's notations in his *Memo Book* that [REDACTED] [REDACTED] was stopped for failing to signal while *leaving a parking space, and failing to maintain lane almost hitting the curb and a parked vehicle* (emphasis added), Police Officer Lamb advised ADA Enwereuzor of the following:

- [REDACTED] failed to maintain a lane *as she drove down* [REDACTED]
- [REDACTED] failed to signal *when she pulled over to the curb in front of* [REDACTED]  
[REDACTED]

Upon review of the video recovered from the Radio Motor Patrol vehicle driven by Police Officer Lamb on December 23, 2016, the following was noted:

- Contrary to Officer Lamb's assertions to ADA Enwereuzor that [REDACTED] failed to maintain a lane *as she drove down* [REDACTED] and *failed to signal*
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*when she pulled over to the curb in front of [REDACTED], the dash cam video recorded footage appears to show that Police Officer Lamb began pursuing [REDACTED] in order to effectuate the car stop immediately following her departure from the parking spot at the corner of [REDACTED]*

Should you wish to discuss this matter, please do not hesitate to call me at (718) 697-8347.

Sincerely,

Jacqueline Bruno  
*Assistant District Attorney*

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